

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT SMITH,

Plaintiff,

v.

JUDGE GIBBONS, a Circuit Judge, United  
States Court of Appeals for the Sixth Circuit,

Defendant.

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Case No. 08-10691

Honorable Patrick J. Duggan

**ORDER DENYING MOTION FOR RECONSIDERATION**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on March 7, 2008.

PRESENT:       THE HONORABLE PATRICK J. DUGGAN  
                  U.S. DISTRICT COURT JUDGE

On February 19, 2008, Robert Smith ("Plaintiff") initiated this action against Judge Julia Smith Gibbons, a Circuit Court Judge for the United States Court of Appeals for the Sixth Circuit ("Judge Gibbons"). Seeking monetary relief in the amount of \$1,000,000.00, Plaintiff alleges that Judge Gibbons ignored and/or failed to respond to a petition for a writ of mandamus he filed in the Sixth Circuit. On February 22, 2008, this Court summarily dismissed Plaintiff's complaint for failure to state a claim for which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B). Presently before this Court is Plaintiff's motion for reconsideration.

Pursuant to Eastern District of Michigan Local Rule 7.1(g)(2), "[n]o response to [a]

motion [for reconsideration] and no oral argument are permitted unless the court orders otherwise.” Furthermore, the standard for a Motion for reconsideration is set forth in Eastern District of Michigan Local Rule 7.1(g)(3), which provides:

Generally, and without restricting the court’s discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

Plaintiff’s motion for reconsideration presents the same issues and arguments ruled on by the Court in its February 22, 2008 order summarily dismissing his complaint.

Therefore, Plaintiff’s motion will be denied.

Accordingly,

**IT IS ORDERED** that Plaintiff’s motion for reconsideration is **DENIED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
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